

Memorandum of Understanding
Permit Evaluation and National
Environmental Policy Act Process for the
Proposed
Liberty Development Project

Between

Minerals Management Service, U.S. Department of the Interior

And

United States Army Corps of Engineers, Alaska District

And

BP Exploration (Alaska) Inc.

September 27, 2004

I. Statement of Intent

This Memorandum of Understanding (MOU) sets forth responsibilities and a schedule to effect timely National Environmental Policy Act (NEPA) and permit evaluation processes for BP Exploration (Alaska) Inc.'s (BPXA) proposed Liberty Development Project (Liberty Project).

In its January 30, 2002 Memorandum on Cooperating Agencies, the Council on Environmental Quality encourages agencies to document their expectations, roles, and responsibilities in an instrument, such as a MOU, when entering into a joint review of a project. Similarly, in order to make business decisions for financial commitments to the Liberty Project, BPXA seeks a clear understanding of the permit evaluation and NEPA processes that the relevant agencies will be following. The signatory parties (hereinafter referred to as the "parties") have based the MOU upon the following key principles: 1) clarity of roles and responsibilities, 2) transparent and open communication among all parties 3) preservation of all parties' rights and mandated authorities, and 4) a realistic schedule and accountable management process.

In accordance with the mutual objectives and understandings set forth above, this MOU delineates the roles and responsibilities of the parties in the development of a Supplemental Environmental Impact Statement (SEIS) to facilitate NEPA compliance and permit evaluation and decision-making for the Liberty Project consistent with Executive Order 13212, "Actions To Expedite Energy-Related Projects" (May 18, 2001). This MOU also follows the process objectives adopted by the White House Task Force on Energy Project Streamlining.

As the regulatory agencies, the Minerals Management Service (MMS) and the Corps of Engineers (COE) will have the final say on all matters for their respective regulatory review and analysis of the Liberty Project. BPXA, as the applicant, has a legitimate role in the process in ensuring that the Liberty Project is correctly understood by the agencies and the public, and may provide information in support of its project. Thus, it also is a party to the MOU.

II. Scope

This MOU covers permit evaluation and the NEPA analysis of the environmental impacts of the Liberty Project and presumes preparation of an SEIS. It addresses the processes and procedures that will be followed for related Endangered Species Act (ESA), Essential Fish Habitat (EFH) consultations, and other supporting consultations. The MOU also sets forth processes for coordinating permit evaluation and NEPA schedules. A schedule and related responsibilities are included in Attachment I.

The parties agree that permit and NEPA evaluation are process and information driven, not schedule driven. This MOU provides for a rigorous pre-application process to evaluate the sufficiency of required information about the Liberty Project and the associated environment for NEPA review and permit evaluation. The parties will work with one another to, among other things, clarify the scope of the analysis, identify and provide information needed for reviews, exchange information, identify issues for inclusion in the SEIS, conduct public scoping meetings, and discuss alternatives. It is intended that this pre-application process will expedite the NEPA and permit reviews, to the extent practicable.

In the event that unforeseen circumstances arise, that warrant a delay in meeting target dates set forth in the schedule, the parties agree to meet at the earliest possible time to discuss and agree upon modifications to the schedule. In the event delays occur in completing specific steps in the process, it is understood that the entire schedule may need to be adjusted, unless otherwise agreed to by all parties to this MOU.

III. Authorities

This MOU is entered into under the following authorities:

- A. The MMS Manual, Part 205, Chapter 25, Memorandums of Understanding
- B. The National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 *et seq*
- C. The Outer Continental Shelf Land Act (OCSLA), 43 U.S.C. §§ 1331 *et seq*.
- D. The Oil Pollution Act of 1990, 33 U.S.C. §§ 1321 *et seq*.
- E. Section 404 of the Clean Water Act, 33 U.S.C. §§ 1344.
- F. Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. §§ 403.
- G. Section 103 of the Marine Protection, research, and Sanctuaries Act, 33 U.S.C. §§ 1413.
- H. 33 Code of Federal Regulations, Parts 320 to 331.
- I. 40 Code of Federal Regulations, Part 230.
- J. The Council of Environmental Quality (CEQ) Memorandum for the Heads of Federal Agencies, Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, January 30, 2002.
- K. Executive Order 13212, "Actions To Expedite Energy-Related Projects" (May 18, 2001).
- L. Executive Order 11988, "Floodplain Management" (May 24, 1977).

IV. Lead and Cooperating Agencies

- A. The MMS is the lead agency.
- B. The COE is a cooperating agency.
- C. Other parties may be a cooperating agency, at the invitation of the MMS or at their request, and will be subject to the terms of this MOU. Determination of cooperating agencies will be based on the CEQ January 2002 Memorandum.

V. Responsibilities

A. General Agency Responsibilities

- 1. The MMS designates the Regional Supervisor, Field Operations, Alaska Region, as the MMS Project Manager (PM) for all regional matters relating to the Liberty Project. The PM may delegate tasks within MMS. The PM may request a cooperating agency take the lead on a SEIS task that is clearly within the cooperating agency's expertise.
- 2./ The COE designates the Alaska District Regulatory Branch, Chief, North Section for oversight purposes for all regional matters relating to the Liberty Project. The Chief, North Section may delegate tasks within the COE and will designate a Lead Regulatory Project Manager who will coordinate all day-to-day COE activities under the MOU.
- 3. In accordance with NEPA and Executive Order 13212, the MMS and the COE will coordinate permit evaluation and NEPA analysis on a concurrent, rather than sequential basis, to the extent practicable.
- 4. Any delays in submission or completeness of review documents will result in similar adjustments to the schedule, unless agreed upon by all parties to this MOU, e.g., submittal of the Development and Production Plan (DPP), Environmental Report (ER), or COE application six days after the schedule date will shift the entire schedule by six days, or submittal of an incomplete preliminary draft SEIS for agency review will not start the 30 day review timeline until the document is complete.
- 5. The MMS and COE will maintain an open relationship with BPXA to assure that BPXA is fully aware of the substance (both quantitative and qualitative) of the data required for use in the SEIS and permit evaluations.
- 6. The MMS and COE will review NEPA documentation prepared by the Team and other SEIS work in accordance with time periods established in the schedule. Progress under the schedule, including

any potential delays in meeting target dates or proposed modifications to such dates, will be discussed at the monthly meetings provided for in paragraph VI.A. below and/or at the earliest possible time after scheduling issues arise.

B. MMS Responsibilities

SEIS Preparation

1. The MMS is responsible for the preparation of the SEIS. As the lead agency, the MMS will ensure that the SEIS fully complies with pertinent statutory, regulatory, and other requirements applicable to the SEIS including, but not limited to, the COE's decision-making needs under its relevant regulatory authorities, public review of the SEIS, and any required documentation for the MMS decisions.
2. The MMS will prepare the SEIS in accordance with the schedule (Attachment 1).
3. In accordance with 40 CFR 1500, the MMS will establish an inter-disciplinary team (Team) consisting of MMS staff, other agency staff, or contract personnel with the scientific and technical expertise necessary to prepare the SEIS. The Team is responsible for preparing the SEIS.
4. The MMS will consult with and keep the COE and BPXA informed on the progress of the SEIS, including schedule, any costs to be paid by the applicant, and any additional data needs. The MMS will provide monthly written progress reports to the COE and BPXA.
5. The MMS will be responsible for organizing and conducting public scoping meetings and public hearings associated with the NEPA process. BPXA representatives may attend these meetings and make presentations about or discuss the proposed action.
6. The MMS agrees with the principle of including BPXA in meetings related to the SEIS preparation, except in those specific instances when such meetings are subject to the government's internal deliberative process. The MMS will keep BPXA informed regarding such deliberative meetings. BPXA participation in meetings will be to describe, clarify, and respond to questions regarding the Liberty Project and to provide data, information, reports, groundwork environmental studies, or other assistance in the preparation of the SEIS.

7. BPXA will submit a DPP, which will be accompanied by a detailed ER to the MMS. Within 20 working days of receipt of the DPP and ER, the MMS shall provide BPXA a written determination whether or not the DPP and ER are sufficient. In the event the MMS determines that the DPP or ER are not sufficient, the MMS shall advise BPXA in writing of the revisions necessary to make the DPP and/or ER sufficient for NEPA review. The MMS will consult with the COE during its review of the DPP and ER.
8. Following submission of a DPP that has been deemed sufficient for review; if the MMS determines that additional information is necessary to facilitate the SEIS, the MMS will make such request to BPXA in writing and identify the necessity of such information and the schedule for submitting the information.
9. The MMS will ensure that the Team makes full use of existing data. Such data includes environmental analyses available from BPXA, the MMS, and other sources.
10. The MMS will consult with the COE, and any other cooperating agencies, during development of the draft SEIS from the ER, DPP, and COE application. The MMS will incorporate COE comments and COE identified information and analyses to be included in the SEIS to ensure that the preliminary draft SEIS produced for agency review is complete.
11. The MMS will review the existing NEPA documentation for the Liberty Project and determine whether that documentation is adequate for use in the SEIS. The MMS will provide BPXA with the opportunity to demonstrate the adequacy of existing documentation, should the MMS find any portion of it to be inadequate. In accordance with 30 CFR 250.204 and 40 CFR 1506.5, the MMS may request that BPXA supplement the documentation if new information is needed.
12. The MMS will make the final determination on the inclusion or exclusion of information into the SEIS, after consultation with the COE, and any other cooperating agencies. If material is specific to the decisions required by a cooperating agency, that agency shall make the determination. If the COE needs additional information, they shall inform the PM and request the information from BPXA. The MMS, COE, and BPXA shall agree to a schedule for providing the additional information.

Consultations

13. The MMS will inform BPXA of intergovernmental issues that may arise concerning the proposed project and SEIS, and may request that BPXA address those issues, as soon as such issues arise.

Government to Government Consultations with Federally Recognized American Indian and Alaska Native Governments (hereinafter referred to as "Tribes")

14. The MMS will consult with the Tribes about involving the COE and BPXA as additional participants in the government-to-government consultation process involving the Liberty Project in accordance with Executive Order 13175 (government-to-government coordination with tribal entities), the Department of Interior-Alaska Policy on Government-to-Government Relations with Alaska Native Tribes, the Department of Defense American Indian and Alaska Native Policy and Alaska Implementation Guidance. If agreed to by a Tribe, the MMS and the COE will consult with the Tribe together. The COE retains independent responsibility to consult with Tribes.

Endangered Species

15. The MMS will initiate consultation with the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) as required by Section 7 of the Endangered Species Act, as amended (ESA). This consultation will also cover the cooperating agency permit review requiring consultations.
16. In accordance with 50 CFR 402.08, the MMS will designate BPXA as the Designated Non Federal Representative to prepare the biological assessments (BAs) of threatened or endangered species for use in the ESA consultation processes.
17. The MMS shall review and evaluate the scope and content of the BAs prepared by BPXA (50 CFR 402.08), and after consultation with the COE, request changes, if needed. The MMS is ultimately responsible for the consultation and the BA content.

Essential Fish Habitat

18. The MMS shall initiate EFH consultation with NMFS in accordance with 50 CFR 600.920. This consultation will also cover the cooperating agency permit review requiring consultations.
19. In accordance with 50 CFR 600.920(c), the MMS will designate BPXA as the Designated Non Federal Representative to prepare the EFH assessment for use in the EFH consultation process.

20. The MMS shall review and evaluate the EFH assessment prepared by BPXA, and after consultation with the COE, request changes if needed. The MMS is ultimately responsible for the consultation and the EFH assessment content.

ESA and Marine Mammal Protection Act (MMPA) permits

21. BPXA may apply for incidental take permits or authorizations. The MMS will coordinate with the FWS and the NMFS on any required (1) Letters of Authorization (LOAs) under the MMPA and (2) Incidental Harassment Authorizations (IHAs) under the MMPA for incidental takes of marine mammals under their respective jurisdictions (50 CFR 18.33 and 50 CFR 216.33).

Historic Preservation

22. The MMS, after consultation with the COE, will notify BPXA if it determines that it is necessary to assess whether the Liberty Project may affect archeological resources within the project area. The MMS will request that BPXA provide archaeological and, if required, traditional cultural properties reports in accordance with 30 CFR 250.204(b)(8)(v)(A) and the National Historic Preservation Act of 1966 (16 USC § 470 *et seq.*). The MMS will consult with the State Historic Preservation Officer and applicable Tribal Historic Preservation Officers, if necessary. This consultation will also cover the cooperating agency permit review requiring consultations.

C. COE Responsibilities

The COE agrees, in accordance with its statutory responsibilities and expertise to:

1. During the pre-application period, identify issues for inclusion in the SEIS specific to evaluation of permits pursuant to the COE's regulatory authorities. These may include, but are not limited to, Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States (U.S.), Section 10 of the Rivers and Harbors Act of 1899 for structures or work in, or affecting, navigable waters of the U.S., and Section 103 of the Marine Protection, Resources, and Sanctuary Act for the transportation of dredged material for the purpose of ocean disposal
2. Within 20 days of the receipt of BPXA's draft permit application(s) the COE will provide a written determination to BPXA of whether or not the application is complete. At that time, the COE will also determine whether BPXA's submittal of additional information

identified through the pre-application process is sufficient for permit evaluation. This may include results of field studies, such as raw data or modeling; economic information beyond NEPA needs; more detailed information required for the COE 404(b)(1) analysis; information responding to scoping comments; or proposed mitigation measures. If the COE determines that additional information is necessary to facilitate permit evaluation, the COE will make such request to BPXA in writing and identify the necessity of such information and the schedule for submitting the information.

3. Within 15 days of the receipt of BPXA's final permit application(s) the COE will provide a written determination to BPXA of whether or not the application(s) are complete. In the event the COE determines the application(s) are not complete, the COE will provide BPXA a written determination of the revisions needed to complete the application so that it is sufficient to issue a public notice.
4. The COE will review the BAs and EFH assessment and provide comments to the MMS prior to any revisions and submittals to the FWS/NMFS.
5. To ensure concurrent review of a requested permit and the NEPA process, the COE agrees, to the extent permitted by law, to coordinate issuance of a public notice of an application for a permit to coincide with the publication of the draft SEIS to facilitate the State of Alaska's coastal consistency review of the project, and issuance of a public notice to coincide with the publication of a final SEIS.
6. In accordance with 33 CFR 320.4(n), the COE will give high priority to the processing of BPXA's permit applications.
7. If the COE determines that a public hearing should be held on BPXA's permit applications, the public hearing will be held jointly with the MMS public hearing on the draft SEIS in accordance with the proposal, unless there are justifiable reasons rendering this objective impracticable.
8. The COE will provide the MMS with comments on the Draft SEIS within the 60-day public review and comment period provided in the schedule. Should the COE find the Draft SEIS inadequate to support a permit decision, the COE will attempt to resolve the issues prior to the filing of the Final SEIS (FSEIS) by the MMS. If the COE finds the FSEIS inadequate for its permit decision the COE will incorporate the MMS's FSEIS or portions thereof into an appropriate and adequate NEPA document to support its permit decision.

9. The COE will issue its Record of Decision on BPXA's permit applications in accordance with CEQ and COE regulations (33 CFR 325.2(d)(3)).

D. BPXA Responsibilities

1. BPXA hereby designates the Liberty Permitting Manager as the "BPXA Project Director" on all matters relating to the preparation of the SEIS and execution of the tasks and deadlines specified in this MOU.
2. BPXA will submit a DPP to the MMS, with a copy to the COE, for the Liberty Project that satisfies the requirements of 30 CFR 250.204. Detailed engineering documentation will not be submitted with the DPP, but under appropriate and separate regulatory processes (e.g., platform verification reviews under 30 CFR 250 Subpart I).
3. BPXA will submit to the MMS and the COE a detailed Environmental Report that will:
 - a. set out BPXA's purpose and need for the action;
 - b. identify the proposed action (as more fully described in the DPP);
 - c. reference alternatives to the Liberty Project covered in the FEIS, as well as any other alternatives agreed upon by the MMS, the COE, and any other cooperating agencies during the pre-application period;
 - d. describe the environment that is potentially affected by the Liberty Project;
 - e. analyze the environmental consequences of the Liberty Project, including cumulative impacts;
 - f. incorporate by reference information and analyses contained in the FEIS and other subsequent reports and studies, and
 - g. highlight any new scientific or technical information developed after the Liberty FEIS was published in May 2002 (the "2002 FEIS").
4. At the same time as submittal of the DPP and ER, BPXA will submit a draft permit application to the COE, including a draft Alaska Coastal Project Questionnaire, accompanied by a copy of the ER. BPXA agrees this draft permit application does not subject the COE to the

requirement to issue a public notice within 15 days. In order to expedite permit evaluation, BPXA also will submit additional information identified through the pre-application process at the same time, or a schedule for submittal of the information; this may include results of field studies, such as raw data or modeling; economic information beyond NEPA needs; more detailed information required for the COE 404(b)(1) analysis; information responding to scoping comments; or proposed mitigation measures.

5. BPXA agrees to submit a final permit application that is complete (as defined at 33 Code of Federal Regulations, Parts 325.1(d) and 325.3(a)), and includes a copy of a signed Alaska Coastal Project Questionnaire, on a time line that will allow the COE to issue a public notice within 15 days after receipt of the complete application to coincide with the publication of the Draft SEIS.
6. BPXA seeks to participate actively in all intergovernmental consultations, as allowed by law.
7. BPXA shall submit to the MMS, BAs for use in the ESA consultation process.
8. BPXA shall submit to the MMS an EFH assessment for use in the EFH consultation process.
9. BPXA shall provide to the MMS responses to data requests and provide comments on any draft documents within the time limits established by the MMS.
10. BPXA will assist the MMS with any public meetings held to discuss the Liberty Project or the SEIS analysis to the extent allowed by statute or regulation.
11. BPXA may call and host, in consultation with the MMS, workshop meetings on specific topics for agency representatives. The interested public may also be invited.
12. All information provided by BPXA to the MMS in support of the SEIS may be reproduced by MMS and used in the draft and final SEIS without need for further approval from BPXA. If information from BPXA, needed by an agency for the NEPA or permit reviews is considered proprietary, BPXA may designate it as proprietary and it will be protected from public release in accordance with the applicable requesting agency requirements.

VI. SEIS Procedures

- A. The MMS Project Manager, the COE Lead Regulatory Project Manager, and BPXA's Project Director for the Liberty Project (or their designee(s)), will meet at least monthly to address any issues pertaining to this MOU and the SEIS, including, but not limited to, tracking SEIS progress in relation to the schedule set forth in Attachment 1, reviewing draft documents, identifying issues and solving problems in a timely manner to the extent practicable. Additional meetings may be requested, as appropriate, to exchange information, address budget issues, facilitate the timely preparation of the SEIS, or discuss issues arising under this MOU or otherwise pertaining to the SEIS.
- B. The parties will meet, in addition to the monthly meetings, as follows:
 - 1. upon selection of the Team to identify, delineate and confirm the agency regulatory jurisdiction over the project and related NEPA obligations;
 - 2. upon selection of the Team, and before commencement of work, to ensure understanding of this MOU and the proposed SEIS schedule;
 - 3. prior to any change in the project, the proposed schedule, or the scope of SEIS;
 - 4. upon identification of any important issues that will be addressed in the SEIS including mitigation measures;
 - 5. after the MMS and the COE review of public comment on the draft SEIS, but prior to any substantial effort to finalize the SEIS; and
 - 6. prior to completion of the Record of Decision.
- C. The parties and the Team may communicate and meet as necessary upon the request of any party.
- D. In the event that it becomes necessary to select a contractor to assist in the preparation of the SEIS, and BPXA agrees to fund a contract to be administered by the MMS or the COE, a separate agreement for managing the contract will be developed.

VII. Permit Evaluation

- A. During the pre-application period, the MMS and the COE will identify and clarify their various permitting authorities and responsibilities to facilitate NEPA documentation and permit decisions commensurate with agency needs.
- B. The MMS and the COE will consult on jurisdictional authorities prior to adoption of mitigating measure or terms and conditions to assure that

permitting actions are streamlined and do not result in duplication, overlap, or conflicts, to the extent appropriate and practicable. When possible, the MMS and the COE will designate a lead agency to implement and monitor any cross-jurisdictional mitigation measure.

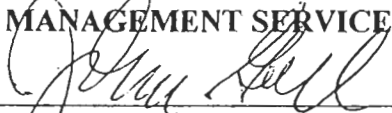
VIII. Administrative and Legal Provisions

- A. The Deputy Director of MMS, the Associate Director for Offshore Minerals Management, the Director of the White House Task Force on Energy Project Streamlining, and the Senior Advisor to the Secretary for Alaskan Affairs will meet quarterly with BPXA to discuss the implementation of this MOU and progress under the attached Schedule. The COE Lead Regulatory Project Manager will be notified of scheduled meetings.
- B. The Parties may seek the assistance of the White House Task Force on Energy Project Streamlining and the Council on Environmental Quality to ensure that the NEPA process for the Liberty Project is effectively coordinated and that agency decision-making is expedited.
- C. Modifications to this MOU may be proposed by the MMS, the COE or BPXA and shall become effective upon written approval of the parties. Changes to this MOU must be initialed and dated on each replacement page by an authorized agent of each party.
- D. Any party may terminate its participation in this MOU after sending a thirty-day (30) written notice to the other parties of its intention to do so. In the event the COE withdraws as a cooperating agency, the COE's rights and obligations under this MOU are terminated effective the date of their withdrawal.
- E. This MOU will become effective when it is signed by all parties. The MOU will remain in effect until all actions contemplated by this MOU have been completed or until the MOU is terminated.
- F. Nothing in this MOU shall be construed as limiting or affecting in any way the authority or responsibility of the MMS, the COE or any participating agency, or as binding on the MMS, the COE or any cooperating agency to perform beyond its authority. This is not a funds obligation document, and therefore agency undertakings pursuant to this MOU are subject to available appropriations.
- G. Nothing in this MOU creates any new cause of action against the MMS or the COE.
- H. By executing this MOU and undertaking any of the actions and responsibilities contemplated under this MOU, BPXA does not waive and expressly reserves any administrative or legal rights it may otherwise have. BPXA expressly reserves the right to contest in administrative or judicial

proceedings any, and all decisions related to the SEIS or any federal, State, or local requirements, approvals, or determinations of any kind relating to the SEIS. BPXA recognizes that this MOU does not commit the MMS, the COE, or other agencies to take favorable action on all or any part of the Liberty Project.

- I. This MOU has been executed in counterparts, all of which are identical and each of which should be deemed an original and all of which shall constitute one and the same instrument.

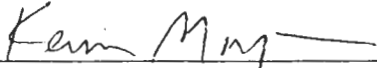
**FOR THE MINERALS
MANAGEMENT SERVICE**



John Goll, Regional Director, Alaska

Date: 9/27/04


**FOR THE ALASKA DISTRICT,
CORPS OF ENGINEERS**



Kevin Morgan, Chief, North Section,
Regulatory Branch

Date: 27 Sep 2004

**FOR BP EXPLORATION (ALASKA)
INC.**



Eric West, Liberty Manager

Date: 9.27.2004

Attachment 1- Schedule

Attachment 1 - Schedule					
Activity/ Task	Lead	Authority	Objective	Timing (days)	
				Duration DATE	Cumulative
PRE-APPLICATION ACTIVITIES					
BPXA informs cooperating and consulting agencies about Project	BPXA		To engage agencies on project scope/identify issues. BPXA will provide the MSS, the COE, and other cooperating agencies with a complete written description of the Liberty Project.	11-9-2005	7-months prior to application
Identify cooperating agency needs for ESA and EFH consultations	Cooperating Agencies			11-9-2005	7-months prior to application
Designate BPXA as non-Federal representative under the ESA and EFH.	MMS	50 CFR 402.08 and 50 CFR 600.920	Enable BPXA to prepare BA for ESA and EFH. [note: EFH regulations use the phrase EFH assessment rather than BA -- for the purpose of this schedule the terms are used interchangeably]	11-14-2005	7-months prior to application.
Initiate ESA conference/informal consultation. Initiate early coordination with NMFS. Submit ESA species list to FWS/NMFS	MMS	Consultation handbook 50 CFR 600.920(a)(3) Consultation Handbook	To identify changes in construction schedules, engineering design, location, emission or discharge levels and any other appropriate changes to eliminate adverse effects. To identify potential for adverse effects and scope of EFH Assessment. To initiate informal consultation process. [No similar kick off action for EFH]	11-22-2005	6-months prior to application and as necessary during preparation of BA's.

Identify issues for inclusion in SEIS specific to permit evaluation pursuant to applicable regulatory authorities, including, but not limited to: Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act.	COE		At the initial pre-application meeting (11/9/2005), BPXA will provide a complete written description of the proposed Liberty Project from which the COE will be able to identify issues for inclusion in the SEIS.	Completed by 11-30-2005	6-months prior to application.
Discussion of likely alternatives to be addressed in SEIS	MMS, cooperating agencies, and BPXA		Since the ER will be the basis of the SEIS, it is important for the MMS, the COE, and BPXA to work together to identify likely alternatives to be included in the SEIS. The agencies retain the authority to determine which alternatives are carried forward in the SEIS.	11-30-2005	6-months prior to application.
FR notice: intent to prepare SEIS.	MMS		Set scoping and EJ dates for Anchorage, Barrow, and Nuiqsut.	12-5-2005	6-months prior to application.
Consultation with NSB, AEW, and directly affected communities.	BPXA	Lease Stipulation 5	Identify, document and respond to major concerns to minimize unreasonable conflicts.	12-5 to 12-9 - 2005	6-months prior to application.
FWS/NMFS concur with species list.	FWS/NMFS		Action initiates 180-day period to complete BA. [No similar kick off action for EFH]	12-21-2005 30 days	5-months prior to application
Prepare Oil Spill Risk Analyses	MMS		To update and verify previous analysis; to be included in the Biological Assessment. [note: Not required to prepare a NEPA compliant SEIS, but can be completed without delay to SEIS schedule.]	Completed by 12-30-2005	5-months prior to application.

Pre-application, scoping, EJ, G2G meetings with the NSB, ICAS and AEWC Scoping in Anchorage.	MMS			Identify and document issues and alternatives for NEPA analysis.	1-02 to 1-31 - 2006	4-months prior to application.
Draft ESA/EFH BA's	BPXA			Submittal of draft BAs	3-1-2006	3-month prior to application
Comments on Draft ESA/EFH BA's	MMS			Coordinated review by resource agencies	3-1 to 3-15-2006 14 days	2.5 month prior to application
Revise and submit final ESA/EFH BA's to MMS	BPXA				3-15 to 3-29-2006 14 days	2-months prior to application
Review project status, information needs and documentation.	MMS			To verify scope, direction, adequacy and continuity of information.	3-29-2006	2-months prior to application.
Submit final BA's to FWS/NMFS	MMS	Consultation Handbook 50 CFR 600.920(h)		Initiate 30-day review by FWS/NMFS to determine that information is complete. Initiate 30 day accelerated EFH consultation with NMFS.	3-31-2006	2-months prior to application
FWS/NMFS response to BA's	FWS/NMFS			[Note: a finding of no adverse impact could conclude the consultation process. A finding of adverse impact or jeopardy would trigger additional/formal 60-90 day consultations. This schedule assumes extended formal consultations]	5-01-2006	1-month prior to application

Application Activities				
Submit DPP, Environmental Report CZMA analysis OSCP (includes OS probability prediction) Resubmit BAs if found to be incomplete by FWS/NMFS Submit draft Department of the Army (DA) permit application(s) to COE Submit additional information identified through pre- application process to address permit evaluation, 404(b)(1) analysis, scoping comments	BPXA	<p>BPXA will submit a DPP to the MMS for the proposed Liberty Project alternative. The DPP shall satisfy the requirements of 30 C.F.R. § 250.204 and other applicable requirements. The DPP shall:</p> <ul style="list-style-type: none">a. describe the Liberty Project alternative;b. cross-reference alternatives to the proposed Liberty Project alternative as set forth in the Liberty Project 2002 FEIS and identify of all Federal, State, and local permits, licenses, and other entitlements which must be obtained by BPXA to implement the Liberty Project alternative. <p>All engineering plans submitted in accordance with 30 C.F.R. § 250.204 shall be conceptual plans that do not provide detailed engineered drawings.</p> <p>BPXA will submit to MMS and the COE, a detailed Environmental Report (ER) that will:</p> <ul style="list-style-type: none">a. set out the purpose of and need for the action;b. identify the proposed action (as more fully described in the DPP);c. cross-reference alternatives to the proposed action covered in the Liberty Project 2002 FEIS;d. describe the environment potentially affected by the new alternative; ande. analyze the environmental consequences of the proposed action, including cumulative impacts.f. incorporate by reference information	6-01-2006	0

			and analyses contained in the Liberty Project 2002 FEIS and other subsequent reports and studies.		
Hold Kick-off meeting	MMS, COE, BPXA		Present the Project to Team	6-01-2006	1
2 day workshop with Team.	MMS, COE; BPXA		Formal presentation of Environmental Report by authors, and time for detailed Q & A with breakout groups by discipline.	6-07 to 6-08 - 2006	7-8
Determine whether more information is needed or whether DPP is deemed submitted	MMS		Within 20 working days of receipt of the DPP, the MMS shall provide BPXA a written determination whether or not the DPP is sufficient. In the event MMS determines that the DPP is not sufficient, MMS shall advise BPXA in writing of the revisions necessary to make the DPP sufficient for NEPA review.	6-01 to 6-29-2006 20 working days (28 calendar days)	29
Determine whether more information is needed for DA permits	COE		Within 20 days of the receipt of BPXA's draft permit application(s) the COE will provide a written determination to BPXA of whether or not the application is complete. At that time, the COE will also determine whether BPXA's submittal of additional information identified through the pre-application process is sufficient for permit evaluation. This may include results of field studies, such as raw data or modeling; economic information beyond NEPA needs; more detailed information required for the COE 404(b)(1) analysis; information responding to scoping comments; or proposed mitigation measures.	6-01 to 6-29-2006 20 working days (28 calendar days)	
Receive Concurrence Letters (Or Biological Opinions) from FWS and NMFS	MMS		Assumes BAs complete when submitted on 3-31-2006	6-29-2006	29

Respond to insufficiencies in DPP and DA permit requirements	BPXA		BPXA will submit revised copies of DPP and additional information necessary for DA permits	6-29 to 7-13-2006 14 days	43
DPP deemed submitted	MMS			7-14-2006	44
DPP distribution and notification	MMS		Request public comments on project. - State - Federal Agencies - Affected communities - Public libraries	7-17 to 7-21 - 2006 5 working days (7 calendar days)	51
Receive Concurrence Letters (Or Biological Opinions) from FWS and NMFS	FWS/NMFS		Additional 45 day period	8-14-2006	
Receive comments from Governor and CZMA agencies	MMS, Governor, CZMA agencies		60 days after distribution	9-19-2006	
Draft SEIS analysis	MMS		Results in preliminary draft SEIS The ER is intended to be the basis for the SEIS. Following submittal of the ER, a two-day workshop will be held with the Team (see above) to present and discuss the ER and will include detailed Q & A sessions with breakout groups by discipline. Following the workshop, it is expected that the Team will continue to address how the ER will be used to develop the draft SEIS and insure that the preliminary draft SEIS is complete for review.	7-14 to 10-12-2006 90 days from DPP deemed submitted	

Cooperating Agency and BPXA Review of preliminary SEIS	Cooperating agencies and BPXA		The MMS will, concurrently with the COE and BPXA, review and comment on the preliminary draft SEIS. BPXA will review and comment on the preliminary draft SEIS. MMS retains authority to determine how to use comments.	10-12 to 11-13-2006 30 days	
Revise preliminary SEIS	MMS		During this period, the MMS will work with the COE and BPXA to address agency comments and make substantive changes where necessary to the preliminary SEIS.	11-13 to 12-13-2006 30 days	
Formatting and publishing			Formatting document for review Because the COE will be actively involved in the revisions to the preliminary draft SEIS, the six days allocated for review here should focus on non-substantive (e.g., formatting) changes to the SEIS. Substantive revisions should be addressed in the previous 30-day review period. Document printed [Contract Desktop Publisher 14 Days Format 30 Days Local GPO Printer 3 Days Cooperative Agency Review 7 Days Finally formatting for Printer 14 Days Final Printer 30 Days]	12-14 to 1-04-2007 1-5 to 1-11-2007 1-11 to 1-25-2007 98 days for MMS	

Draft SEIS provided to EPA pursuant to 40 CFR 1506.9	MMS				1-26-2007	
BP submits final DA permit application	BPXA			Complete Application must be submitted a minimum of 15 days prior to publication of the draft FR notice in order for the COE to concurrently issue a public notice.	1-26-2007	
Draft FR notice	MMS/COE			Two weeks to assure formal FR notice to start public review clock for SEIS and DA permits/announce public meetings/Environmental Justice/ Government to Government.	1-26 to 2-9-2007	
Draft SEIS made available for public comment	MMS				2-9-2007	
Public Hearings/EJ/G2G	MMS				3-12 to 3-18-2007	
60-day public review and comment period	MMS			No extensions will be granted, as it already includes an extra 15 days from the DOI 45-day policy.	2-9 to 4-10-2007 60 days	
Revise SEIS as appropriate and prepare responses to comments to be included in SEIS as appendix	MMS COE			During this period, the MMS will work with the COE and BPXA to address public comments and revise the SEIS as appropriate.	4-11 to 6-11-2007 60 days	
Final SEIS + Revise SEIS + Edit + Copy + Distribution to	MMS			Formatting document for review Cooperative Agency and BPXA Review	6-12 to 6-26-2007 6-27 to 7-10-2007	

cooperating agencies			Document printed [Contract Desktop Publisher 14 Days Format 30 Days Local GPO Printer 3 Days Cooperative Agency Review 7 Days Final formatting for Printer 14 Days Final Printer 30 Days]	7-11 to 7-24- 2007	
FR Notice	MMS		Two weeks to assure formal FR notice	7-25 to 8-7- 2007	
Final SEIS made available to public	EPA			8-7-2007	
30-day public review and comment period	MMS			8-7 to 9-6- 2007	
Record of Decision Issue DPP Decision	MMS			9-14-2007	470 days ,
Record of Decision	COE			10-8-2007	